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Notice of Allowability	Application No.	Applicant(s)	
	10/698,369	LOPEZ ET AL.	
	Examiner	Art Unit	
	Steven D. Maki	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-15-06.
2. ☒ The allowed claim(s) is/are 18,20-24,26-29,31-35,37-40 and 42.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>120706</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Extension of Time

1) An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 12-11-06, Alan Kopecki requested an extension of time for THREE MONTH(S) and authorized the Director to charge Deposit Account No. 02-4800 the required fee of \$570 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the specification:

on line 13 of the replacement paragraph for the paragraph beginning at line 10 of page 8 (see page 2 of after final amendment filed 11-15-06): change "extend across the filler material" to --are--

Cancel claim 41.

In claim 18:

line 1 change "having" to --and--

lines 19 and 20 change "extending from one branch portion to the other" to
--connected to the filler material--

In claim 38:

line 1 change "having" to --and--

lines 17-18 change "a recess arrangement formed therein" to --circumferentially
separated sections--

line 19 after "connected to the filler material" insert --circumferentially between
the sections and--

3) Authorization for this examiner's amendment was given in a telephone interview
with Alan Kopecki on 12-11-06.

Reasons for Allowance

4) The following is an examiner's statement of reasons for allowance:

Japan 516 (JP 2001-187516) discloses a tire with a tread including a block comprising hidden groove 220 (internal anti-rubber-on-rubber connection element) wherein the hidden groove comprises two branch portions each having radially inner and outer ends and a common part interconnecting the radially inner ends wherein (a) the two branch portions form, together with the common part, a space which delimits a volume of filler material occupying the space and (b) the filler material is removable from the space for creating a regrooving groove. See figure 1. Although Japan 516 teaches that the hidden groove may be curved (figure 6), Japan 516 fails to teach "a **recess arrangement** formed therein" (emphasis added) or "**circumferentially separated sections which enables rubber of said tread to form a retaining portion connected**

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to the filler material circumferentially between the sections and at a location radially inwardly of the radially outermost portion of the at least one anti-connection element" (emphasis added).

Lopez (US 2003/0047263) and De Labareyre et al (WO 98/35842) disclose a tire having a tread comprising an anti-connection element (incision) having a recess arrangement therein. Note the recess arrangement in the upper profile of the incision made by and corresponding to second lamella 72 in figure 7 of Lopez. Note hidden incision in figure 8 of De Labareyre et al, which may be made by an removable insert having orifices therein. Lopez and De Labareyre et al each fail to teach "at least one internal anti-rubber-on-rubber connection element comprising two branch portions each having radially inner and outer ends and a **common part** interconnecting the radially inner ends, the two branch portions forming, together with the common part, a space which delimits a volume of filler material occupying said space; said filler material being removable from said space for creating a regrooving groove" (emphasis added).

When considered as a whole, the prior art fails to disclose, teach or suggest a tire with a tread comprising at least one internal anti-rubber-on-rubber connection element comprising "two branch portions, each having radially inner and outer ends, a common part interconnecting the radially inner ends; the two branch portions forming, together with the common part, a space which delimits a volume of filler material occupying said space; said filler material being removable from said space for creating a regrooving groove" and "a recess arrangement formed therein" together with the remaining limitations of CLAIM 18.

When considered as a whole, the prior art fails to disclose, teach or suggest a tire with a tread comprising at least one internal anti-rubber-on-rubber connection element comprising "two branch portions, each having radially inner and outer ends, a common part interconnecting the radially inner ends; the two branch portions separated axially and forming together with the common part, a space which delimits a volume of filler material occupying said space; said filler material being removable from said space for creating a regrooving groove" and "circumferentially separated sections which enables rubber of said tread to form a retaining portion connected to the filler material circumferentially between the sections and at a location radially inwardly of the radially outermost portion of the at least one anti-connection element" together with the remaining limitations of CLAIM 38.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

- 5) The proposed drawing correction filed 11-15-06 has been approved and accepted by the examiner.
- 5) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

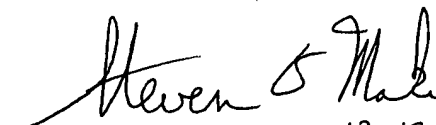
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
December 13, 2006


STEVEN D. MAKI 12-13-06
PRIMARY EXAMINER



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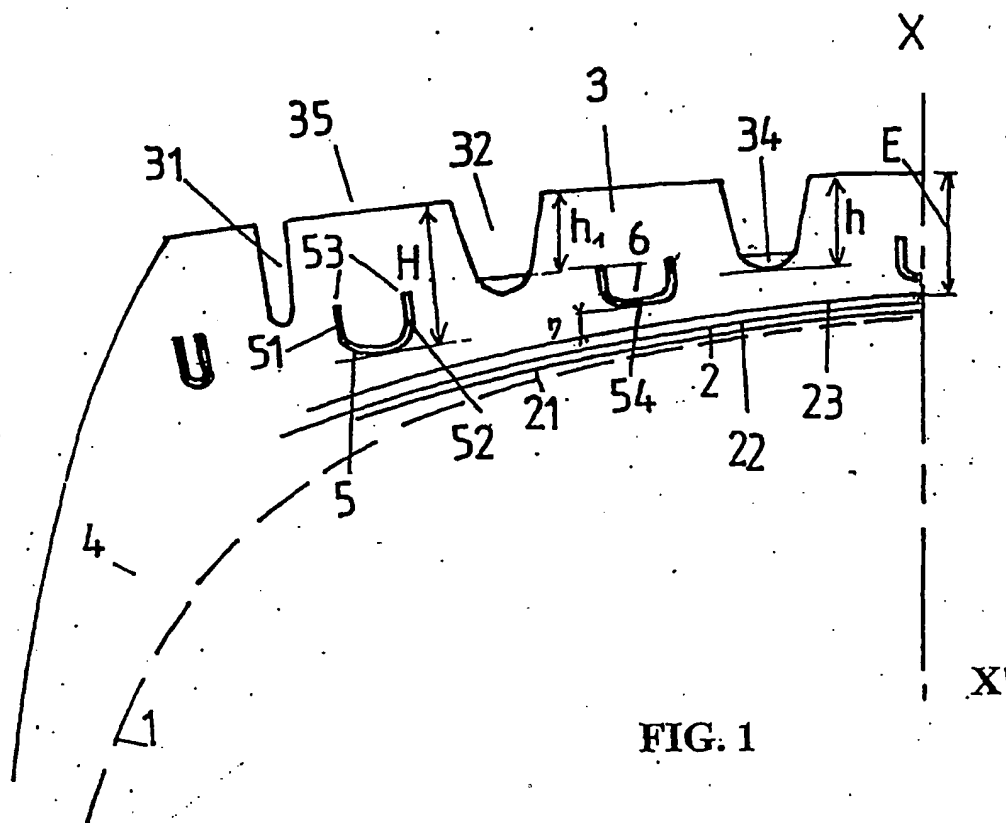


FIG. 1

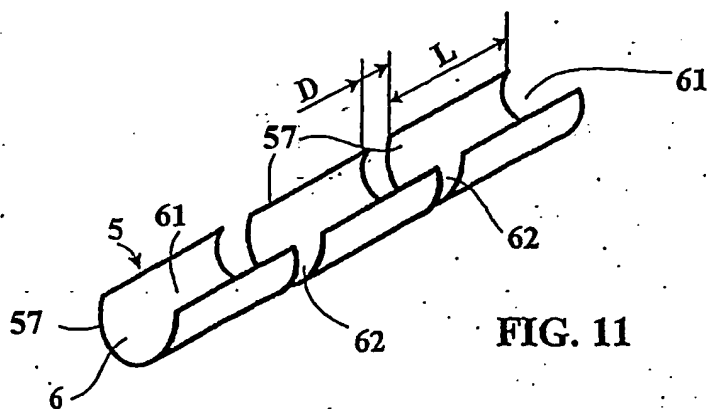


FIG. 11

approved
and
accepted
12-8-06